

**Commonwealth of Kentucky  
Environmental and Public Protection Cabinet  
Department for Environmental Protection  
Division for Air Quality  
803 Schenkel Lane  
Frankfort, Kentucky 40601  
(502) 573-3382**

**Draft**

**AIR QUALITY PERMIT  
Issued under 401 KAR 52:020**

**Permittee Name:** Barton Brands, Ltd.  
**Mailing Address:** 300 Barton Road, Bardstown, KY 40004

**Source Name:** Barton Brands, Ltd.  
**Mailing Address:** 300 Barton Road  
Bardstown, KY 40004

**Source Location:** Same

**Permit ID:** V-07-025  
**Agency Interest:** 3247  
**Activity ID:** APE20060001  
**Review Type:** Title V / Synthetic Minor, Operating  
**Source ID:** 21-179-00020

**Regional Office:** Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601  
(502) 564-3358

**County:** Nelson

**Application**  
**Complete Date:** May 10, 2006  
**Issuance Date:**  
**Revision Date:**  
**Expiration Date:**

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**John S. Lyons, Director  
Division for Air Quality**

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	Permit type	Log or Activity#	Complete Date	Issuance Date	Summary of Action
V-00-001	Initial Issuance	F471	02/12/98	06/21/2000	Initial Title V Permit
V-07-025	Renewal	APE20060001	May 10, 2006	---	Added limit on coal use to preclude 40 CFR 63, Subpart DDDDD

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first submitting a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **Emission Unit 01 (01001)**

### **Grain Handling Operations**

#### **Description:**

Truck unloading grains onto grate hoppers (01001)

Maximum Operating Rate: 40 tons/hr each

Construction Commenced: 1975

#### **APPLICABLE REGULATIONS:**

401 KAR 63:010, Fugitive emissions, applicable to each affected facility which emits or may emit fugitive emissions and is not elsewhere subject to an opacity standard within the administrative regulations of the Division for Air Quality

#### **1. Operating Limitations:**

Pursuant to 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but are not limited to the following:

- a. Application and maintenance of asphalt, oil, water or suitable chemicals on roads, material stockpiles, and other surfaces that can create airborne dusts.
- b. Covering, at all times, when in motion, open bodied trucks transporting materials likely to become airborne.
- c. The maintenance of paved roads in a clean condition.
- d. The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.

#### **Compliance Demonstration Method:**

Compliance will be demonstrated by the good operating procedures listed above and subsection 5, Specific Recordkeeping Requirements.

#### **2. Emission Limitations:**

Pursuant to 401 KAR 63:010, Section 3, discharge of fugitive dust emissions beyond the property line is prohibited

#### **Compliance Demonstration Method:**

Compliance is demonstrated by the good operating procedures in subsection 1, Operating Limitations

#### **3. Testing Requirements:**

None

#### **4. Specific Monitoring Requirements:**

The permittee shall monitor the amount of grain received and processed on a monthly basis.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Recordkeeping Requirements:**

Records of the amount of grain received and processed shall be maintained on a monthly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

See Section E.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Emission Unit 02 (01003)****Grain Cleaning****Description:**

A shaker screen separates grain

Maximum operating rate: 40 tons/hr

Construction commenced: Prior to July 2, 1975

Control Equipment: Cyclone

**APPLICABLE REGULATIONS:**

401 KAR 61:020, Existing process operations, applicable to emission unit that commenced prior to July 2, 1975.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a. Pursuant to 401 KAR 61:020, Section 3(2)(a), particulate emissions from this unit into the open air shall not exceed  $[4.10(P)^{0.67}]$  pounds per hour based on a three-hour average where P is the monthly average processing rate in tons per hour. If the process rate weight is 1,000 lbs/hr or less than the limit on particulate matter emissions is 2.58 lbs/hr.
- b. Pursuant to 401 KAR 61:020, Section 3(1)(a), visible emission from each unit shall not equal or exceed forty (40) percent opacity based on a six-minute average.

**Compliance Demonstration:**

The permittee may demonstrate compliance with the allowable particulate standard by using the following equation:

$$\text{Particulate emissions (lbs / hr)} = [EF \text{ (lbs/ton)} \times P \text{ (tons/hr)}]$$

EF = most recent emission factor from AP-42 Section 9.9 (currently 0.075 lbs/ton, which includes the control efficiency)

P = monthly average processing rate

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

- a. The permittee shall monitor the grain processing (tons) and hours of operation for each unit on a monthly basis.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a weekly basis and maintain a log of observations. If visible emissions are seen then the opacity shall be determined by using U.S. EPA Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for any necessary repairs.

### **5. Specific Recordkeeping Requirements:**

Records of grain processed and hours of operation shall be maintained on a monthly basis.

### **6. Specific Reporting Requirements:**

See Section F.

### **7. Specific Control Equipment Operating Conditions:**

- a. The cyclone shall be operated in accordance with manufacturer's specifications and/or standard operating practice to maintain compliance with emission limitations.
- b. Records regarding the maintenance of the cyclone shall be maintained.
- c. See Section E.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit 03 (02001 and 03001)**

**Fermentation Process**

**Description:**

Fermentation vessels -6.75 tons/hr total

Stillage tanks -11 tons/hr total.

Construction Commenced: On or before 1969

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the grains processed (tons) on an annual basis.

**5. Specific Recordkeeping Requirements:**

Records of grains processed (tons) shall be maintained on an annual basis

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Emission Unit 04 (03003)****Cyclone Separator****Description:**

Distiller's Dried Grain is conveyed to a cyclone separator (03003) then sent to the Distillers Dried Grain Storage

Maximum operating rate: 2.5 tons/hr

Construction Commenced: Prior to July 2, 1975

**APPLICABLE REGULATIONS:**

401 KAR 61:020, Existing process operations, applicable to an emission unit that commenced prior to July 2, 1975.

**1. Operating Limitations:**

None

**2. Emission Limitations:**

- a. Pursuant to 401 KAR 61:020, Section 3(2)(a), particulate emissions from this unit into the open air shall not exceed  $[4.10(P)^{0.67}]$  pounds per hour based on a three-hour average where P is the monthly average processing rate in tons per hour. If the process rate weight is 1,000 lbs/hr or less than the limit on particulate matter emissions is 2.58 lbs/hr.
- b. Pursuant to 401 KAR 61:020, Section 3(1)(a), visible emission shall not equal or exceed forty (40) percent opacity based on a six-minute average.

**Compliance Demonstration:**

Compliance with the allowable particulate standard can be demonstrated by using the following formula:

$$\text{Particulate emissions (lbs / hr)} = [EF (\text{lbs / ton}) \times P (\text{tons / hr})]$$

EF = emission factor of 1.98 lbs/ton, estimate that assumes 99.9% is captured

P = average monthly processing rate

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

- a. The permittee shall monitor the grain processing (tons) and hours of operation on a monthly basis.
- b. The permittee shall perform a qualitative visual observation of the opacity of emissions from the stack on a weekly basis and maintain a log of observations. If visible emissions are seen then the opacity shall be determined by using U.S. EPA Reference Method 9. If emissions are in excess of the applicable opacity limit, then an inspection shall be initiated of control equipment for any necessary repairs.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**5. Specific Recordkeeping Requirements:**

Records of grain processed (tons) and hours of operation shall be maintained on a monthly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

- a. The expansion chamber shall be operated to maintain compliance with permitted emission limitations in accordance with manufacturer's specifications and/or standard operating practices.
- b. Records regarding the maintenance of the expansion chamber shall be maintained.
- c. See Section E.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit 05 (04001, 05001, 06001)**

**Barrel Filling, Aging and Dumping**

**Description:**

Barrel filling stations- processing capacity of 1,314,000 barrels per year

Barrel aging in warehouses- capacity of 548,976 barrels per year

Barrel dumping into storage tanks- capacity of 1,953,480 barrels per year

Construction commenced: On or before 1968

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the number of barrels processed on a yearly basis.

**5. Specific Recordkeeping Requirements:**

Records of the number of barrels processed shall be recorded on a yearly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Unit 06 (07001, 08001-08006, 09001)      Storage Tanks and Bottling Operation**

**Description:**

41 holding storage tanks (07001)- capacity of 1,143,323 gallons per year  
Six bottle filling lines (08001-08006)- capacity of 15,238 gallons per year  
300 valves, 40 seal pumps and 500 fittings (09001)  
Construction commenced: On or before 1969

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the proof gallons processed on an annual basis.

**5. Specific Recordkeeping Requirements:**

Records of the proof gallons processed shall be maintained on an annual basis.

**6. Specific Reporting Requirements:**

None

**7. Specific Control Equipment Operating Conditions:**

None

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emission Unit 07 and 08 (10001, 10003)**

### **Indirect Heat Exchangers**

#### **Description:**

Two natural gas fired boilers rated at 40.4 MMBtu/hr each

Secondary Fuel: #2 fuel oil

Construction Commenced: 1993

#### **APPLICABLE REGULATIONS:**

401 KAR 59:015, New indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hr which commenced on or after April 9, 1972.

401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, applies to each steam generating unit commenced after June 8, 1989 that has a maximum design heat input capacity between 10 and 100 MMBtu/hr.

#### **NON-APPLICABLE REGULATIONS:**

401 KAR 51:017, Prevention of Significant Deterioration of Air Quality. Permittee has elected to accept voluntary federally enforceable operating and emission limitations to preclude from applicability of these standards.

#### **1. Operating Limitations:**

- a. To preclude the applicability of 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality, source-wide emissions of sulfur dioxide shall not exceed 225 tons in any twelve (12) consecutive months.
- b. Pursuant to 40 CFR 60.42c, the sulfur content of No. 2 fuel oil shall not exceed 0.5 percent by weight.

#### **2. Emission Limitations:**

- a. Pursuant to 401 KAR 59:015, Section 4(1)(c), particulate emissions from each unit's stack shall not exceed 0.28 lb/MMBtu based on a three-hour-average.
- b. Pursuant to 40 CFR 60.43c (c), no operator or owner shall cause to be discharged into the atmosphere from that facility any gases that shall exhibit greater than twenty (20) percent opacity (6-minute average), except for one 6-minute period per hour of not more than twenty-seven (27) percent opacity.
- c. Pursuant to 401 KAR 59:015, Section 4(2)(c), emissions shall not exceed twenty (20) percent opacity based on a six-minute average except during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- d. Pursuant to 40 CFR 60.42c, sulfur dioxide emissions from each unit's stack shall not exceed 0.50 lb/MMBtu; as an alternative, the permittee shall not combust oil that contains greater than 0.5 weight percent sulfur.
- e. Pursuant to 401 KAR 60:005, incorporating by reference 40 CFR 60.43c (e)(4), affected facilities that combust only oil containing no more than 0.50 weight percent sulfur or a mixture of 0.5 percent sulfur oil with other fuels are not subject to a PM standard under 40 CFR 60.43c.
- f. See Section D.

**Compliance Demonstration:**

The permittee is considered to be in compliance with PM, SO<sub>2</sub> and opacity standards while burning natural gas.

**3. Testing Requirements:**

- a. Pursuant to 401 KAR 59:015, Section 8, particulate, sulfur dioxide, and visible emission limitations specified herein shall be measured by U.S. EPA Reference Methods 5, 6, and 9 respectively, 40 CFR 60, Appendix A
- b. The permittee shall conduct at least one performance test for particulate matter (PM), opacity, and sulfur dioxide (SO<sub>2</sub>) emissions when combusting #2 fuel oil if such usage exceeds 60 days within any consecutive twelve-month period. To show compliance with 40 CFR 60, subpart Dc the permittee shall follow procedures listed in 40 CFR 60.44c(h).

**4. Specific Monitoring Requirements:**

- a. Pursuant to 401 KAR 52:020, Section 26, the permittee shall monitor the natural gas and fuel oil usage rate on a monthly basis.
- b. Pursuant to 401 KAR 52:020, Section 26, when burning fuel oil, the permittee shall perform a qualitative visible observation of the opacity emissions from the stack on a weekly basis and maintain a log of the observations. If visible emissions from the stack are seen, then the opacity shall be determined using EPA Reference Method 9 and if the opacity reading is greater than twenty (20) percent, then initiate an inspection of the equipment for any repairs.

**5. Specific Recordkeeping Requirements:**

Pursuant to 401 KAR 52:020, Section 26, records of natural gas and No. 2 fuel oil used each day shall be maintained.

**6. Specific Reporting Requirements:**

- a. Pursuant to 401 KAR 52:020, Section 26, if fuel oil is burned in the unit, the permittee shall submit quarterly reports including the fuel supplier certification and a certified statement signed by the owner or operator of the affected facility that the records of the fuel supplier certification submitted represent the fuel oil combusted during the quarter.
- b. See Section F.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emissions Unit 09 (10002) Indirect Heat Exchanger**

#### **Description:**

99.5 MMBtu/hr Vogt Spreader-stoker bituminous coal fired boiler with flyash reinjection

Control equipment: Multicyclone and baghouse with lime injection

Construction commenced: 1961 (Baghouse to be installed in 2007)

#### **APPLICABLE REGULATIONS:**

401 KAR 61:015, Existing indirect heat exchangers, applicable to an emissions unit with a capacity of less than 250 MMBtu/hr, which commenced before April 9, 1972.

40 CFR Part 64, Compliance Assurance Monitoring (CAM) (For Particulate Emissions)

#### **NON-APPLICABLE REGULATIONS:**

401 KAR 51:017, Prevention of Significant Deterioration of Air Quality. Permittee has elected to accept voluntary federally enforceable operating and emission limitations to preclude applicability of these standards.

40 CFR 63, Subpart DDDDD, National Emission Standards for Hazardous Air Pollutants for Institutional, Commercial, and Industrial Boilers and Process Heaters; applicability date of September 13, 2007. Permittee has elected to accept voluntary federally enforceable operating and emission limitations to preclude applicability of these standards.

#### **1. Operating Limitations:**

- a. To preclude the applicability of 401 KAR 51:017 Prevention of Significant Deterioration of Air Quality, source-wide emissions of sulfur dioxide shall not exceed 225 tons in any twelve (12) consecutive months.
- b. To preclude the applicability of 40 CFR 63, Subpart DDDDD, beginning September 13, 2007 source-wide usage rate of coal from all affected facilities shall not exceed 15,000 tons per year (12 month rolling total) and shall further be restricted so emission limitations, as set forth in Section D- Source Emission Limitations and Testing Requirements, for hydrogen chloride (HCl) and total HAPS are not exceeded.

#### **2. Emission Limitations:**

- a. Pursuant to 401 KAR 61:015, Section 4(1), particulate emissions shall not exceed 0.36 lb/MMBtu based on a three-hour average.

The permittee may assure compliance with the particulate standard by calculating particulate emission using the following formula:

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

$$\text{Particulate emissions (lbs / MMBtu)} = \left[ \frac{EF \text{ (lbs / ton)} \times (100(\%) - \text{control efficiency}(\%))}{\text{Heating value of fuel (MMBtu / ton)}} \right]$$

EF = emission factor from AP-42 Section 1.1 (currently 66 lbs/ton and control efficiency of 94%)

- b. Pursuant to 401 KAR 61:015, Section 4(2)(b), visible emissions shall not exceed twenty (20) percent opacity based on a six-minute average except that a maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning the fire box or blowing soot.
- c. Pursuant to 401 KAR 61:015, Section 4(2)(c), emissions shall not exceed twenty (20) percent opacity based on a six-minute average except during building a new fire for the period required to bring the boiler up to operating conditions provided the method used is that recommended by the manufacturer and the time does not exceed the manufacturer's recommendations.
- d. Pursuant to 401 KAR 61:015, Section 5(1), sulfur dioxide emissions shall not exceed 1.4 lb/MMBtu based on a twenty-four hour average.

The permittee may assure compliance with the sulfur dioxide standard by calculating sulfur dioxide emissions using the following formula:

$$\text{Sulfur Dioxide Emissions} = \left[ \frac{EF \text{ (lbs / ton)} \times S}{\text{Heating value of coal (MMBtu / ton)}} \right]$$

EF = emission factor from AP-42 (currently 38 lbs/ton)

S = percent sulfur in coal

**3. Testing Requirements:**

- a. Within 180 days after the issuance of this permit, the permittee shall conduct a stack emission test to determine an HCl emission rate using U.S. EPA Reference Method 26. This emission rate shall be used in determining the HCl emission factor for calculating source-wide emissions per Section D- Source Emission Limitations and Testing Requirements.
- b. The permittee shall perform at least one performance test for particulate emissions within one year from the initial issuance of this permit to demonstrate compliance with the particulate standard, and in the fourth year of the permit unless the Division approves an alternate schedule. (Refer to Section G - General Provisions, 5. Testing Requirements).

**SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- c. While conducting performance tests to demonstrate compliance with the particulate standards, for each test run, the permittee shall record representative operational data of the control equipment and read the visible emissions, weather permitting using U.S. EPA Reference Method 9.
- d. When the unit is in operation, the permittee shall read, weather permitting, the visible emissions using U.S. EPA Reference Method 9 once per week, or more frequently if requested by the Division.

**4. Specific Monitoring Requirements:**

- a. CAM Requirements: Pursuant to 40 CFR 64.6, Table EU09 – Monitoring Approach (next page) shows the monitoring approach for Particulate Matter (PM). The permittee shall conduct this monitoring and fulfill other obligations specified in 40 C.F.R §§ 64.7 through 64.9.
- b. Pursuant to 401 KAR 61.015, Section 6 (6), representative sampling and analysis of fuel (per delivered shipment) shall be conducted for monitoring operations of sulfur dioxide emissions. Records of the fuel sampling and analysis; and sulfur and heat content shall be maintained for inspection upon request by any duly authorized representative of the Division for Air Quality.
- c. To meet the monitoring requirement for opacity, the permittee shall comply with reading the opacity weekly according to 3. d. Testing Requirements. Excluding the startup and shut down periods, if any six-minute average opacity value exceeds the opacity standards, the permittee shall as appropriate, initiate an inspection of the control equipment and boiler system and make any repairs. If a Method 9 test cannot be performed, the reason for not performing the test shall be documented.
- d. In accordance with 401 KAR 61:015, Section 6 (3), the rate of fuel combustion shall be recorded at least weekly. The heating value and ash content of fuels shall be ascertained per delivered shipment.
- e. Pursuant to 40 CFR §64.7(e), new indicator ranges for the CAM Plan may be reestablished from subsequent stack tests, with approval by the Division.

**5. Specific Recordkeeping Requirements:**

- a. Pursuant to 401 KAR 52:020, Section 26, records of fuel usage, sulfur content, and heat content of each delivered shipment shall be maintained by the permittee.
- b. Pursuant to 401 KAR 52:020, Section 26, the permittee shall maintain the records of the amount of fuel combusted on a weekly basis.
- c. The permittee shall maintain records of U.S. EPA Reference Method 9 readings.

## SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

*TABLE EU09 - MONITORING APPROACH*

Applicable CAM Requirement	PM/PM <sub>10</sub> limits
General Requirements	<p>0.36 lb/MMBtu filterable particulates 3-hour average</p> <p>&lt;40% Opacity except (1) maximum of 40% opacity shall be permissible for not more than 6 consecutive minutes in any consecutive 60 minutes during cleaning the fire-box or blowing soot, and (2) during boiler startup when manufacturer's recommendations are followed</p>
Monitoring Methods and Location	<p>(1) Monitoring of the multicyclone and baghouse differential pressure.</p> <p>(2) Method 9 observations of the stack plume.</p>
<p>Indicator Range</p> <p>The permittee may adjust the indicator ranges pursuant to 40 CFR 64.7 (e) based on results from subsequent performance tests for PM compliance and with Divisional approval.</p>	<p>(1) Indicator ranges of the multicyclone shall be 6.3 +/- 2.0 inches of water differential pressure (DP) at 85,000 lbs/hr unit steam load and 2.0 +/- 1.0 inches of water DP at 42,500 lbs/hr unit steam load</p> <p>(2) According to manufacturer's recommendations, the baghouse will begin cleaning at 5.75" WC differential pressure and stop cleaning at 5.25" WC differential pressure. The baghouse DP will be +/- 3" WC from those values. (Note: This baghouse is not yet installed)</p> <p>(3) Indicator range of 0 to 25 percent opacity for the weekly Method 9 observations; for PM Emissions.</p>
Data Collection Frequency	<p>(1) Control device differential pressure shall be recorded at a minimum of once per hour while the boiler is operating</p> <p>(2) Method 9 observations shall be recorded weekly, weather permitting, unless more frequent monitoring is required.</p>
Averaging Period	<p>(1) Control device differential pressure shall not be averaged unless multiple data are collected for the same parameter within the same hour, which may be reduced to a one-hour average</p> <p>(2) Opacity readings shall be 6-minute averages according to Method 9.</p>
Recordkeeping	<p>(1) Control device parameters shall be maintained for a period of 5 years; (2) Method 9 observations shall be maintained for a period of 5 years.</p>
QA/QC	<p>An excursion for PM emissions shall be defined as (1) three consecutive control device operating parameter data points outside a single indicator range listed above in a rolling 24-hour period; or (2) one six minute average opacity reading collected during the weekly observations outside the indicator range listed above</p> <p>The permittee shall initiate an investigation and take corrective action for each excursion. This investigation may include collecting additional visible emission readings, where applicable and weather permitting.</p> <p>The Quality Improvement Plan (QIP) threshold for control device operating parameters is 5 excursions in a rolling 3-month period. This threshold level is 5 percent of the total 24-hour data recording periods. The QIP threshold for opacity data is either (1) 4 excursions in a rolling 3-month period or (2) 3 consecutive weekly excursions.</p> <p>If the QIP threshold is triggered in a semiannual reporting periods, a QIP shall be developed and implemented. Control device monitored parameters will be maintained and operated in accordance with manufacturer recommendations; records of Method 9 certifications will be maintained. Differential pressure and temperature instrumentation will be recalibrated at least annually. Control devices will be externally inspected daily and internally inspected at least annually. Records of all inspections and calibrations will be maintained.</p>

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **6. Specific Reporting Requirements:**

- a. The permittee shall report the number of excursions above the sulfur dioxide standard, date of excursion, value of the excursions, and percentage of the sulfur dioxide data showing excursions from emission limitations in each calendar quarter.
- b. The permittee shall report the number of excursions (excluding startup, shutdown, and malfunction data) above the opacity standard, date and time of excursions, opacity value of the excursions, and percentage of the opacity data showing excursions above the opacity standards in each calendar quarter.
- c. CAM Reporting Requirements:  
Pursuant to 40 C.F.R. §64.9(a) the permittee shall report the following information regarding its CAM Plan according to the general reporting requirements specified in Section F, 5. – Monitoring, Recordkeeping, and Reporting Requirements:
  - i. Number of exceedances or excursions;
  - ii. Duration of each exceedance or excursion;
  - iii. Cause of each exceedance or excursion;
  - iv. Corrective actions taken on each exceedance or excursion;
  - v. Number of monitoring equipment downtime incidents;
  - vi. Cause of each monitoring equipment downtime incident;
  - vii. Description of actions taken to implement a quality improvement plan (if required by the Division or if triggered per Table EU09); and upon completion of the quality improvement plan, documentation that the plan was completed and reduced the likelihood of similar excursions or exceedances.

### **7. Specific Control Equipment Conditions:**

- a. The multicyclone and baghouse shall be operated to maintain compliance with the permitted emission limitations, in accordance with the manufacturer's specifications and/or good engineering practices.
- b. Records regarding the maintenance of the multicyclone and baghouse shall be maintained.
- c. See Section E.

## **SECTION B - EMISSION POINTS, EMISSION UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

### **Emissions Unit 10 (12001) Wastewater Treatment Process**

**Description:**

Wastewater treatment system, supporting tanks, dikes, beams, and pipeline equipment.

Maximum continuous rating: 3,800 gallons/hr

Construction commenced: 1989

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

None

**2. Emission Limitations:**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

Permittee shall monitor the gallons of wastewater treated on a yearly basis.

**5. Specific Recordkeeping Requirements:**

Gallons of wastewater treated shall be recorded on a yearly basis.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary. Process and emission control equipment at each insignificant activity subject to a general applicable regulation shall be inspected monthly and qualitative visible emission evaluation made. The results of the inspections and observations shall be recorded in a log, noting color, duration, density (heavy or light), cause and any conservative actions taken for any abnormal visible emissions.

<u>Application Emission Point No.</u>	<u>Description</u>	<u>Applicable Regulations</u>
01-002	Screw Conveyor and Bucket Elevator	401 KAR 61:020
01-004	Screw Conveyor to Grain Bins	401 KAR 61:020
01-005	Grains Conveyed from Hammermills to Meal Bins	401 KAR 61:020
02-002	Beer Well	NA
02-003	Beer Still Vent Condenser	NA
02-004	Doubler Vent Condenser	NA
02-005	Extractive Distillation Vent Condenser	NA
02-006	Rectifying Column Vent Condenser	NA
02-007	Product Tanks	NA
02-008	Low Wine Tanks	NA
02-009	Cistern Room Tanks	NA
02-010	Outside Cistern Tanks	NA
02-011	Beer Still Pressure Relief	NA
02-012	Doubler Pressure Relief	NA
02-013	Extractive Distillation Pressure Relief	NA
02-014	Rectifying Column Pressure Relief	NA
03-002	Spent Grain Drying (3 Steam Rotary Dryers)	401 KAR 61:020
03-004	Dried Grain Silo Loading	401 KAR 63:010
03-005	DDG Loading	401 KAR 63:010
07-002	Processing/Bottling Tanks	NA
08-007	Labeling	NA
08-008	Print Shop	NA
10-004	Coal Stockpile	401 KAR 63:010
10-005	Coal Loading	401 KAR 63:010
10-006	Coal Apron Conveyor/Bucket Elevator	401 KAR 59:010
10-007	Coal Bunker Filling	401 KAR 63:010
10-008	Ash Receiver Cyclones	401 KAR 61:020
10-009	Ash Silo Loading	401 KAR 63:010
10-010	Ash Loadout	401 KAR 63:010
10-011	Fuel Oil Tank	NA
10-012	Fuel Oil Tank	NA
11-001	Unpaved Roads	401 KAR 63:010
13-001	Cooling Towers	401 KAR 63:010
10-013	Lime Silo	401 KAR 59:010
10-014	Ash Silo	401 KAR 59:010

## SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate matter, sulfur dioxide, and visible emissions, measured by applicable reference methods, or an equivalent or alternative method specified in 40 C.F.R. Chapter I, or by a test method specified in the state implementation plan shall not exceed the respective limitations specified herein.
3. To preclude the applicability of 401 KAR 51:017, Prevention of Significant Deterioration of Air Quality, total source-wide emissions of sulfur dioxide shall not exceed 225 tons per year based on a twelve month rolling total. Monthly sulfur dioxide emissions can be calculated using the following formula for each fuel burned:

$$\text{Sulfur dioxide emissions (tons)} = \frac{EF \text{ (lbs / SCC units)} \times \text{monthly fuel use (SCC units)}}{2000 \text{ (lbs / ton)}}$$

$EF$  = emission factor from AP-42 Section 1 (coal= 38S lbs/ton, natural gas = 0.6 lbs/MMSCF, No.2 fuel oil = 47.1 lbs/1000 gallons)

$SCC \text{ units}$  = tons for solid fuels, 1,000 gallons for liquid fuels, MMSCF for gaseous fuels

To demonstrate compliance with this emission limitation, the twelve-month rolling total shall be calculated monthly and reported semi-annually (see Section F).

4. To preclude 40 CFR 63, Subpart DDDDD, beginning September 13, 2007 source-wide emissions of a single Hazardous Air Pollutant (HAP), hydrogen chloride, shall not exceed 9.0 tons in any consecutive twelve-month period and source-wide emissions of total HAPs shall not exceed 22.5 tons in any consecutive twelve-month period. Monthly HAP emissions can be calculated using the following equations:

$$\text{Hydrogen chloride emissions (tons)} = \frac{\text{monthly coal usage (tons)} \times EF \text{ (lbs / ton)}}{2000 \text{ (lbs / ton)}}$$

$EF$  = emission factor from AP-42 Section 1 (currently 1.2 lbs/ton), this shall be changed through subsequent stack testing and with approval from the Division

$\text{Total HAPs} = \sum_k HAP_k \text{ (tons)}$ , where  $k = \text{coal, natural gas, No.2 fuel oil}$  and

$$HAP_k \text{ (tons)} = \frac{\text{monthly fuel usage}_k \text{ (SCC units)} \times EF_{\text{Total},k} \text{ (lbs / SCC units)}}{2000 \text{ (lbs / ton)}}$$

**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS (CONTINUED)**

$EF_{Total,k}$  = sum of all HAP emission factors from AP-42 for each  $k$  (coal = 1.36 lbs/ton, natural gas = 1.89 lbs/MMSCF and No. 2 fuel oil = 0.5 lbs/10<sup>3</sup> gallons, from AP-42 sections 1.1, 1.4 and 1.3, respectively)

$SCC\ units$  = tons for solid fuels, 1,000 gallons for liquid fuels, MMSCF for gaseous fuels

To demonstrate compliance with these emission limitations, the twelve-month rolling totals shall be calculated monthly and reported semi-annually (see Section F).

5. To preclude 40 CFR 63, Subpart DDDDD, the permittee shall notify the Division at least sixty (60) days prior to any change in coal supplier, fuel type, or fuel mixture, used in EU 09, from those fuels used in the stack tests to establish the HCl emission factor used above for determining compliance. This notification shall include a fuel analysis of the new fuel conducted per procedures listed in 40 CFR 63.7521 and Table 6 of 40 CFR 63 Subpart DDDDD for Hydrogen Chloride. The Division may request additional stack testing be completed in addition to this fuel analysis.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b-IV-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b-IV-2 and 1a-8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Sections 1b-V-1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. If continuous emission and opacity monitors are required by regulation or this permit, data shall be reported in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall be submitted in writing upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Deviations from permit requirements, including those previously reported under F.7 above, shall be included in the semiannual report required by F.6 [Sections 1b-V, 3 and 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

**SECTION F - MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications shall be mailed to the following addresses:

Division for Air Quality  
Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601

U.S. EPA Region 4  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.

**SECTION G - GENERAL PROVISIONS****1. General Compliance Requirements**

- a. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 Section 3(1)(b) and a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a-3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
- b. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a-6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- c. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - (1) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - (2) The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - (3) The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
  - (4) New requirements become applicable to a source subject to the Acid Rain Program.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

- d. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or to determine compliance with the conditions of this permit [Sections 1a- 7 and 8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- e. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the Division [401 KAR 52:020 Section 3(1)(c)].

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- f. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].
- g. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a-14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- h. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a-4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- i. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens. [Section 1a-15-b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- j. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a-10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- k. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
- l. This permit does not convey property rights or exclusive privileges [Section 1a-9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
- m. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Cabinet or any other federal, state, or local agency.
- n. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
- o. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

- p. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.
- q. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of a permit shall be considered compliance with:
  - (1) Applicable requirements that are included and specifically identified in the permit and
  - (2) Non-applicable requirements expressly identified in this permit.

### **2. Permit Expiration and Reapplication Requirements**

- a. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
- b. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].

### **3. Permit Revisions**

- a. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
- b. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

**SECTION G - GENERAL PROVISIONS (CONTINUED)****4. Construction, Start-Up, and Initial Compliance Demonstration Requirements**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction of the baghouse for emission unit 09 (10002) in accordance with the terms and conditions of this permit.

- a. Construction of any process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
- b. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the Division's Frankfort Central Office, notification of the following:
  - (1) The date when construction commenced.
  - (2) The date of start-up of the affected facilities listed in this permit.
  - (3) The date when the maximum production rate specified in the permit application was achieved.
- c. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the Cabinet may extend these time periods if the source shows good cause.
- d. For those affected facilities for which construction is authorized by this permit, a source shall be allowed to construct with the proposed permit. Operational or final permit approval is not granted by this permit until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055. If compliance is not demonstrated within the prescribed timeframe provided in 401 KAR 50:055, the source shall operate thereafter only for the purpose of demonstrating compliance, unless otherwise authorized by Section I of this permit or order of the Cabinet.
- e. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. Testing must also be conducted in accordance with General Provisions G.5 of this permit.
- f. Terms and conditions in this permit established pursuant to the construction authority of 401 KAR 51:017 or 401 KAR 51:052 shall not expire.

**SECTION G - GENERAL PROVISIONS (CONTINUED)****5. Testing Requirements**

- a. Pursuant to 401 KAR 50:045 Section 2, a source required to conduct a performance test shall submit a completed Compliance Test Protocol form, DEP form 6028, or a test protocol a source has developed for submission to other regulatory agencies, in a format approved by the cabinet, to the Division's Frankfort Central Office a minimum of sixty (60) days prior to the scheduled test date. Pursuant to 401 KAR 50:045, Section 7, the Division shall be notified of the actual test date at least Thirty (30) days prior to the test.
- b. Pursuant to 401 KAR 50:045 Section 5, in order to demonstrate that a source is capable of complying with a standard at all times, any required performance test shall be conducted under normal conditions that are representative of the source's operations and create the highest rate of emissions. If [When] the maximum production rate represents a source's highest emissions rate and a performance test is conducted at less than the maximum production rate, a source shall be limited to a production rate of no greater than 110 percent of the average production rate during the performance tests. If and when the facility is capable of operation at the rate specified in the application, the source may retest to demonstrate compliance at the new production rate. The Division for Air Quality may waive these requirements on a case-by-case basis if the source demonstrates to the Division's satisfaction that the source is in compliance with all applicable requirements.
- c. Results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days or sooner if required by an applicable standard, after the completion of the fieldwork.

**6. Acid Rain Program Requirements**

- a. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
- b. The permittee shall comply with all applicable requirements and conditions of the Acid Rain Permit and the Phase II permit application (including the Phase II NOx compliance plan and averaging plan, if applicable) incorporated into the Title V permit issued for this source. The source shall also comply with all requirements of any revised or future acid rain permit(s) issued to this source.

**7. Emergency Provisions**

- a. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - (1) An emergency occurred and the permittee can identify the cause of the emergency,

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

- (2) The permitted facility was at the time being properly operated,
  - (3) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit, and
  - (4) Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - (5) This requirement does not relieve the source of other local, state or federal notification requirements.
- b. Emergency conditions listed in General Condition G.7.a above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
  - c. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

**8. Ozone Depleting Substances**

- a. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - (1) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - (2) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - (3) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - (4) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - (5) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - (6) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
- b. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

### 9. Risk Management Provisions

- a. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 1515  
Lanham-Seabrook, MD 20703-1515.

- b. If requested, submit additional relevant information to the Division or the U.S. EPA.